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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 LEOVARDO SALCEDA,
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Petitioner,

v.

JOHN F. SALAZAR, Warden, et al.,

Respondents.

Civil No. 08-1037 IEG (PCL)

**ORDER DENYING IN FORMA
PAUPERIS APPLICATION AND
DISMISSING CASE WITHOUT
PREJUDICE**

Petitioner, a state prisoner proceeding pro se, has not paid the \$5.00 filing fee and has filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254, together with a request to proceed in forma pauperis pursuant to 28 U.S.C. § 1915(a).

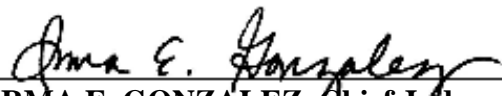
The request to proceed in forma pauperis is denied because Petitioner has not provided the Court with sufficient information to determine Petitioner's financial status. A request to proceed in forma pauperis made by a state prisoner must include a certificate from the warden or other appropriate officer showing the amount of money or securities Petitioner has on account in the institution. Rule 3(a)(2), 28 U.S.C. foll. § 2254; Local Rule 3.2. Petitioner has failed to provide the Court with the required Prison Certificate.¹

¹ The Court notes that Petitioner attached to his in forma pauperis application, a request to withdraw \$5.00 from his prison trust account. It appears Petitioner signed the request on July 6, 2008. As of the date of this Order, this Court has not received the \$5.00 from the correctional facility to which Petitioner is confined.

1 Accordingly, the Court **DENIES** the request to proceed in forma pauperis, and
2 **DISMISSES** the case without prejudice. To have the case reopened, Petitioner must, **no later**
3 **than September 8, 2008**, provide the Court with: (1) a copy of this Order together with the
4 \$5.00 filing fee; or (2) a copy of this Order together with adequate proof that Petitioner cannot
5 pay the \$5.00 filing fee. *For Petitioner's convenience, the Clerk of Court shall attach an in*
6 *forma pauperis form to this Order.*

7 **IT IS SO ORDERED.**

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9 **DATED: July 28, 2008**

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11 **IRMA E. GONZALEZ, Chief Judge**
12 **United States District Court**